



Crl.O.P.No.32120 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 273, 328 of IPC and Section 24(1) of Cigarettes and other Tobacco Products Act, 2003 in Crime No.534 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the A1 and A2 were found to be in illegal possession of banned Tobacco Products. Based on the confession of A1 and A2, the petitioner and other accused were arrested. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and there is no direct evidence to prove the involvement of the petitioner in the alleged crime, except the confession obtained by the police. However, without prejudice, the petitioner is prepared to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government and he is



prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the A1 and A2 were found to be in illegal possession of banned Tobacco Products. Based on the confession of A1 and A2, the petitioner and other accused were arrested. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) for the respondent and perused the entire materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has prepared to deposit Rs.10,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



7. Accordingly, the petitioner is directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand only)** by way of Demand Draft/RTGS/NEFT to "**The registered Advocate Clerk Association, Cuddalore District**", without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.1, Cuddalore**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioner shall report before the respondent Police every Wednesday and Sunday for a period of three months and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

23.12.2022

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